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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**Federal Communications Commission  
Office of the Secretary**

**EB Docket No. 03-152**

In the Matter of	)	
	)	
WILLIAM L. ZAWILA	)	Facility ID No. 72672
	)	
Permittee of FM Station KNKS,	)	
Coalinga, California	)	
	)	
AVENAL EDUCATIONAL SERVICES, INC.	)	Facility ID No. 3365
	)	
Permittee of FM Station KAAX,	)	
Avenal, California	)	
	)	
CENTRAL VALLEY EDUCATIONAL	)	Facility ID No. 9993
SERVICES, INC.	)	
	)	
Permittee of FM Station KAJP,	)	
Firebaugh, California	)	
	)	
H.L. CHARLES D/B/A FORD CITY	)	Facility ID No. 22030
BROADCASTING	)	
	)	
Permittee of FM Station KZPE,	)	
Ford City, California	)	
	)	
LINDA WARE D/B/A LINDSAY	)	Facility ID No. 37725
BROADCASTING	)	
	)	
Licensee of FM Station KZPO,	)	
Lindsay, California	)	
	)	
In re Application of	)	
	)	
WESTERN PACIFIC BROADCASTING, INC.)	)	File No. BR-19970804YJ
	)	Facility ID No. 71936
For Renewal of License for AM Station KKFO,	)	
Coalinga, California	)	

To: Western Pacific Broadcasting, Inc.

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**ENFORCEMENT BUREAU'S REQUEST FOR  
ADMISSION OF FACTS AND GENUINNESS OF DOCUMENTS**

The Enforcement Bureau, pursuant to section 1.246 of the Commission's Rules, 47 C.F.R. § 1.246, hereby requests that, within ten (10) days of service of this Request, Western Pacific Broadcasting, Inc. admit to the truth of the following facts and genuineness of the attached documents, as set forth in the following numbered paragraphs. Each response shall be labeled with the same number as the subject admission request and shall be made under oath or affirmation of the person providing the response. Western Pacific Broadcasting, Inc., as defined below, is reminded that "[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as true and deny only the remainder." 47 C.F.R. § 1.246(b).

**Definitions**

For this document, the following definitions apply:

"WPBI" means Western Pacific Broadcasting, Inc., any d/b/a, predecessor-in-interest, parent company, and all officers and directors of each during the period January 1, 1985 to the present.

"Zawila" means Mr. William L. Zawila.

"KKFO" means radio broadcast station KKFO(AM), Coalinga, California.

"Coalinga" means the City of Coalinga, California, and/or any representative, employee, agent, consultant, and any other person working for or on behalf of any of the foregoing.

The "Commission" or the "FCC" means the Federal Communications

Commission and any employee thereof.

**Admissions**

1. WPBI has been the licensee of KKFO since January 1, 1986.
2. Zawila is the 100% shareholder of WPBI.
3. Zawila is an officer of WPBI.
4. Zawila's address is 12550 Brookhurst Street, Suite A, Garden Grove, California 92640.
5. 12550 Brookhurst Street, Suite A, Garden Grove, California 92640 is WPBI's address of record at the FCC.
6. WPBI's corporate privileges have been suspended by the State of California.
7. WPBI is unable legally to transact business in California.
8. By letter dated September 15, 1995 (the "September 15, 1995, Letter"), Zawila, on behalf of WPBI, represented to the Commission that KKFO had gone off the air due to a dispute between WPBI and Coalinga over the KKFO transmitter site.
9. WPBI had been evicted from the KKFO transmitter site by Coalinga in 1995.
10. WPBI had been evicted from its transmitter site for KKFO in 1995 due to WPBI's failure to make required lease payments.
11. On September 15, 1995, Zawila knew that WPBI had been evicted from its transmitter site for KKFO due to WPBI's failure to make required lease payments.
12. By letter dated August 9, 1996 (the "August 9, 1996, Letter"), the Commission granted WPBI Special Temporary Authorization ("STA") for

KKFO to remain silent for 90 days.

13. The August 9, 1996, Letter informed WPBI that, if KKFO did not return to the air by February 8, 1997, WPBI's license for KKFO would expire as a matter of law.
14. On January 14, 1997, WPBI filed a request for STA for KKFO to operate with reduced facilities (the "January 14, 1997, Request").
15. The January 14, 1997, Request also sought STA for KKFO to operate from a site situated at coordinates 36° 7' 47" North Latitude, 120° 22' 30" West Longitude.
16. The proposed site for KKFO's STA, which WPBI had specified in the January 14, 1997 Request, was in the middle of a junkyard.
17. The January 14, 1997, Request also sought STA for KKFO to operate using 60 Watts effective radiated power and a special, short antenna for temporary use.
18. On January 22, 1997, the Commission granted STA (the "January 22, 1997, STA") for KKFO to use the reduced facilities specified in the January 14, 1997 Request for a 180-day period, ending July 22, 1997.
19. Mr. George Smith of Pacific Radio Engineering ("PRE") was the technical consultant to WPBI for the January 14, 1997, Request.
20. KKFO's STA antenna was obtained by WPBI from PRE.
21. WPBI did not pay PRE for KKFO's STA antenna.
22. WPBI's check to PRE for KKFO's STA antenna "bounced," returned for insufficient funds.

23. KKFO's STA antenna was never installed.
24. The installation of KKFO's STA antenna would have required a hydraulic crane capable of installing a 60-foot antenna.
25. Attached hereto as Attachment 1 is a true and accurate copy of a February 6, 1997, letter (the "February 6, 1997, Letter") from George Smith, Staff Engineer, PRE, to the Commission.
26. In the February 6, 1997, Letter, PRE notified the Commission that KKFO had resumed broadcasting that day.
27. The February 6, 1997, Letter was sent by PRE to the FCC with WPBI's knowledge and approval.
28. The February 6, 1997, Letter was sent by PRE to the FCC with Zawila's knowledge and approval
29. On February 6, 1997, Zawila knew that KKFO had not resumed broadcasting in accordance with its STA.
30. WPBI never operated KKFO in accordance with the January 22, 1997, STA.
31. On August 4, 1997, WPBI filed with the Commission an application for renewal of KKFO's license ("1997 Renewal Application").
32. Zawila signed the 1997 Renewal Application.
33. By a September 5, 1997 letter signed by Zawila, WPBI requested an extension of STA for KKFO.
34. Before and through July 22, 1997, WPBI had not sought nor obtained an extension of the January 22, 1997, STA.
35. WPBI did not have STA to operate KKFO between July 22 and September 5,

1997.

36. On October 16, 1997, the Commission reinstated STA for KKFO for a period ending April 10, 1998.
37. On November 17, 1997, Sandra Soho (“Soho”) filed with the Commission a Petition to Deny the 1997 Renewal Application (“Petition to Deny”).
38. WPBI received a copy of Soho’s Petition to Deny on or about November 17, 1997.
39. WPBI never filed with the FCC a response to Soho’s Petition to Deny.
40. In November 1997, Soho possessed the temporary equipment that WPBI was supposed to have used pursuant to the January 22, 1997, STA.
41. On October 23, 1998, Soho filed with the Commission a “Petition to Cancel KKRO(AM) [sic] License” (“Petition to Cancel”).
42. On October 23, 1998, KKFO had been off the air for over twelve consecutive months.
43. WPBI received a copy of Soho’s Petition to Cancel on or about October 23, 1998.
44. WPBI never filed with the FCC a response to Soho’s Petition to Cancel.
45. By letter dated March 5, 1999 (the “March 5, 1999, Letter”), Zawila, on behalf of WPBI, represented to the Commission that KKFO was then silent due to “a series of acts of vandalism, sabotage, theft of equipment, and equipment failure.”
46. Zawila’s representation in the March 5, 1999, Letter that KKFO was then silent due to “a series of acts of vandalism, sabotage, theft of equipment, and

equipment failure” was false.

47. On March 5, 1999, Zawila knew that his representation in the March 5, 1999, Letter that KKFO was then silent due to “a series of acts of vandalism, sabotage, theft of equipment, and equipment failure” was false.
48. The March 5, 1999, Letter requested STA for operation of KKFO with the same facilities that WPBI had previously requested in the January 14, 1997, Request.
49. The March 5, 1999, Letter represented that, for the originally authorized KKFO transmitter site (the “KKFO Licensed Site”), Coalinga had shelved the redevelopment plans that WPBI or Zawila had represented to exist in the September 15, 1995, Letter.
50. Between 1995 and March 1999, Coalinga did not have any redevelopment plans for the KKFO Licensed Site.
51. On March 5, 1999, Zawila knew that, between 1995 and March 1999, Coalinga had not had any redevelopment plans for the KKFO Licensed Site.
52. The March 5, 1999, Letter represented that political changes in the Coalinga city government resulted in a city council that “appears to favor” the return of WPBI to the KKFO Licensed Site.
53. On March 5, 1999, Coalinga officials did not favor the return of WPBI to the KKFO Licensed Site.
54. On March 5, 1999, Zawila knew that Coalinga officials did not then favor the return of WPBI to the KKFO Licensed Site.
55. By letter dated March 28, 1999 (the “March 28, 1999, Letter”), Zawila, on

behalf of WPBI, informed the Commission that KKFO had been silent since April 10, 1998, having provided only isolated equipment tests on three days in April and May 1998.

56. KKFO had been silent for over twelve consecutive months during the period February 7, 1997 to March 28, 1999.
57. Zawila knew that KKFO had been silent for over twelve consecutive months during the period February 7, 1997 to March 28, 1999.
58. KKFO's only broadcast activity between April 10, 1998 and March 28, 1999 had been equipment tests conducted April 19, April 26, and May 3, 1998.
59. On April 1, 1999, the Commission granted STA to WPBI for KKFO, for a period to end July 1, 1999.
60. By letter dated June 29, 1999 (the "June 29, 1999, Letter"), Zawilla, on behalf of WPBI, represented to the Commission that KKFO had been broadcasting since April 5, 1999.
61. Zawila's representation in the June 29, 1999, Letter that KKFO had been broadcasting since April 5, 1999, was false.
62. On June 29, 1999, Zawila knew that his representation in the June 29, 1999, Letter that KKFO had been broadcasting since April 5, 1999, was false.
63. On August 20, 1999, the Commission granted WPBI STA for KKFO, for a period to end November 20, 1999.
64. By letter dated September 11, 2000 (the "September 11, 2000, Letter"), Zawila, on behalf of WPBI, represented to the Commission that WPBI had been evicted from the KKFO transmitter site in 1995 due to "redevelopment



plans for the City of Coalinga which required the KKFO(AM) site for other purposes.”

65. On September 11, 2000, Zawila knew that his representation in the September 11, 2000, Letter that WPBI had been evicted from the KKFO transmitter site in 1995 due to “redevelopment plans for the City of Coalinga which required the KKFO(AM) site for other purposes” was false.
66. In the September 11, 2000, Letter, Zawila also represented to the Commission that WPBI had met with officials of Coalinga in the fall of 1999 and in the spring and summer of 2000 concerning the KKFO Licensed Site.
67. Zawila did not meet with officials of Coalinga in the fall of 1999 concerning the KKFO Licensed Site.
68. On September 11, 2000, Zawila knew that he had not met with officials of Coalinga in the fall of 1999 concerning the KKFO Licensed Site.
69. Zawila did not meet with officials of Coalinga in the spring of 2000 concerning the KKFO Licensed Site.
70. On September 11, 2000, Zawila knew that he had not met with officials of Coalinga in the spring of 2000 concerning the KKFO Licensed Site.
71. Zawila did not meet with officials of Coalinga in the summer of 2000 concerning the KKFO Licensed Site.
72. On September 11, 2000, Zawila knew that he had not met with officials of Coalinga in the summer of 2000 concerning the KKFO Licensed Site.
73. In the September 11, 2000, Letter, Zawila also represented to the Commission that officials of Coalinga were “enthusiastic about the prospect of returning

KKFO(AM) to its permanent licensed site so that full radio service could be restored to Coalinga from KKFO(AM).”

74. The September 11, 2000, Letter’s representation that officials of Coalinga were “enthusiastic about the prospect of returning KKFO(AM) to its permanent licensed site” was false.
75. Zawila knew on September 11, 2000, that his representation in the September 11, 2000, Letter that officials of Coalinga “were enthusiastic about the prospect of returning KKFO(AM) to its permanent licensed site” was false.
76. In the September 11, 2000, Letter, Zawila also represented to the Commission that “Western Pacific has finally obtained staff approval of its application for its conditional use permit for its site,” but that additional hearings and approvals by Coalinga remained.
77. The September 11, 2000, Letter’s representation that WPBI had obtained staff approval of WPBI’s application for its conditional use permit for the KKFO site was false.
78. Zawila knew on September 11, 2000, that his representation in the September 11, 2000, Letter that WPBI had obtained staff approval of WPBI’s application for its conditional use permit for the KKFO site was false.
79. On September 11, 2000, Coalinga had not scheduled any hearings to consider WPBI’s application for a conditional use permit for the KKFO site.
80. Zawila knew on September 11, 2000, that his representation in the September 11, 2000, Letter that additional hearings remained relative to WPBI’s use of the KKFO site was false.

81. In the September 11, 2000, Letter, Zawila also represented to the Commission that KKFO had been silent since November 20, 1999.
82. KKFO had been silent for over twelve consecutive months during the period April 10, 1998, to September 11, 2000.
83. Zawila knew on September 11, 2000, that KKFO had been silent for over twelve consecutive months during the period April 10, 1998, to September 11, 2000.
84. In the September 11, 2000, Letter, Zawila represented that KKFO had been silent since November 20, 1999, because of “technical problems due to vandalism.”
85. On September 11, 2000, Zawila knew that the September 11, 2000, Letter’s representation that KKFO had been silent since November 20, 1999, because of “technical problems due to vandalism” was false.
86. By letter dated October 30, 2000 (the “October 30, 2000, Letter”), the Commission informed Zawila that it could not reinstate WPBI’s August 20, 1999, STA for KKFO, due to the lapse of almost one year since the STA expired.
87. By the October 30, 2000, Letter, the Commission also informed Zawila that it granted WPBI new STA (the “October 30, 2000, STA”) through April 30, 2001, to permit KKFO to operate with the same reduced facilities that had been authorized by the January 22, 1997, STA.
88. By the October 30, 2000, Letter, the Commission also notified Zawila that KKFO would have to return to the air no later than November 20, 2000, or its

license would expire as a matter of law.

89. By the October 30, 2000, Letter, the Commission also informed Zawila, as follows:

We will closely monitor WPBA's [sic] operation under STA pending restoration of licensed operation. **Failure to maintain service to the community of license pending the restoration of licensed operation may result in cancellation of STA and/or the initiation of proceedings directed toward revocation of the station's license.** (boldface emphasis in original).

99. Between October 30 and November 20, 2000, WPBI did not notify the Commission that KKFO had returned to the air prior to November 20, 2000.
100. For the twelve month period between November 21, 1999 and November 20, 2000, KKFO did not broadcast in accordance with its station authorization or in accordance with the October 30, 2000, STA.
101. In November 2000, Coalinga passed a resolution (the "November 2000, Resolution") granting a conditional use permit for the construction of a radio antenna and transmitter at the KKFO Licensed Site.
102. Neither Zawila nor WPBI had any negotiations with Coalinga officials concerning the November 2000, Resolution.
103. Coalinga officials negotiated with Mr. Steven Fuss ("Fuss") with respect to the November 2000, Resolution.
104. Fuss is the owner of 142U, Inc.
105. On March 19, 2001, KKFO was silent.
106. On March 19, 2001, only a building and foundation for the former antenna were situated at the KKFO Licensed Site.

107. On March 19, 2001, there was only an open grass field 20 meters north of West Lucille Avenue in Coalinga, approximately 0.3 miles west of California Highway 198, at the temporary site for KKFO authorized by the October 30, 2000, STA.
108. On March 19, 2001, there was no antenna situated at the temporary site for KKFO authorized by the October 30, 2000, STA.
109. On March 19, 2001, there was no antenna situated within a 200-meter radius of the temporary site for KKFO authorized by the October 30, 2000, STA.
110. On March 19, 2001, there was no transmitter situated at the temporary site for KKFO authorized by the October 30, 2000, STA.
111. On March 19, 2001, there was no transmitter situated within a 200-meter radius of the temporary site for KKFO authorized by the October 30, 2000, STA.
112. On March 19, 2001, there was no studio situated at the temporary site for KKFO authorized by the October 30, 2000, STA.
113. On March 19, 2001, there was no studio situated within a 200-meter radius of the temporary site for KKFO authorized by the October 30, 2000, STA.
114. On March 19, 2001, there was no building foundation of any kind situated at the temporary site for KKFO authorized by the October 30, 2000, STA.
115. On March 19, 2001, there was no building foundation of any kind situated within a 200-meter radius of the temporary site for KKFO authorized by the October 30, 2000, STA.
116. On March 19, 2001, the only structure situated within the area near the

- temporary site for KKFO authorized by the October 30, 2000, STA was a horse stable located across West Lucille Avenue to the south of the site.
117. Between January 14, 1997, and March 19, 2001, no broadcasting facilities were situated at the temporary site for KKFO authorized by the January 22, 1997, STA.
118. On or about March 19, 2001, Zawila represented (the “March 19, 2001, Representation”) to a field agent of the Commission that, in 1995, WPBI had been evicted from the KKFO Licensed Site because of Coalinga’s plan to build a golf course on the site.
119. At the time that Zawila made the March 19, 2001, representation referred to in Request 118, Zawila knew that, in 1995, WPBI’s eviction from the original KKFO transmitter site had not been due to Coalinga’s plan to build a golf course on the site.
120. In March 2001, Zawila also represented to a field agent of the Commission that KKFO had operated at a temporary site under STA.
121. KKFO never operated at a temporary site pursuant to the January 22, 1997, STA.
122. In March 2001, Zawila knew that KKFO had not operated at a temporary site pursuant to the January 22, 1997, STA or any subsequent STA.
123. On or about March 19, 2001, Zawila acknowledged to a field agent of the Commission that KKFO was not operating.
124. On or about March 19, 2001, Zawila stated to a field agent of the Commission that he (Zawila) did not have the specific dates during which KKFO had

operated at a temporary site under the January 22, 1997, STA or any subsequent STA.

125. On or about March 19, 2001, Zawila represented to a field agent of the Commission that WPBI had obtained a permit from Coalinga to rebuild KKFO's facilities at the KKFO Licensed Site.
126. At the time that he made the March 2001, representation to a field agent of the Commission that WPBI had obtained a permit from Coalinga to rebuild KKFO's facilities at the KKFO Licensed Site, he knew the statement was false.
127. At the time he made the representation referred to in Request 126, Zawila knew that Coalinga officials had negotiated with Fuss concerning the November 2000, Resolution.
128. On or about March 19, 2001, Zawila represented to a field agent for the Commission that WPBI would rebuild KKFO's facilities at the KKFO Licensed Site in four to six weeks from that date.
129. WPBI did not rebuild KKFO's facilities at the KKFO Licensed Site within four to six weeks after March 19, 2001.
130. On March 19, 2001, the date he represented that WPBI would rebuild KKFO's facilities at the KKFO Licensed Site in four to six weeks, Zawila knew that such representation was false.
131. On March 19, 2001, Zawila knew that Fuss planned to construct a radio antenna and transmitter at the KKFO Licensed Site.
132. On or about March 19, 2001, Zawila represented to a field agent of the

Commission that the public inspection file for KKFO was located at Zawila's law office in Garden Grove, California.

133. On March 26, 2001, a field agent of the Commission interviewed Zawila at his law office in Garden Grove, California.
134. On March 26, 2001, a field agent of the Commission inspected the public inspection file for KKFO.
135. On March 26, 2001, the only documents in the public inspection file for KKFO dated after 1990 were a document dated July 3, 1997, concerning a KKFO license renewal, and a letter from the Commission regarding a grant of STA.
136. On March 26, 2001, in response to a question from a field agent of the Commission about the missing documentation from the public inspection file, Zawila stated that the rest of the file had been misplaced or lost during KKFO's eviction from the KKFO Licensed Site in 1995.
137. During the March 26, 2001, interview with a field agent of the Commission, Zawila said that he could not specify the dates KKFO had been on the air in accordance with the January 22, 1997, STA or any subsequent STA.
138. During the March 26, 2001, interview with a field agent of the Commission, Zawila said that he could not identify the owner of the site from which KKFO allegedly broadcast in accordance with the January 22, 1997, STA or any subsequent STA.
139. During the March 26, 2001, interview with a field agent of the Commission, Zawila stated that the owner of the site from which KKFO had allegedly



broadcast in accordance with the January 22, 1997, STA was someone named, "Henry."

140. On March 26, 2001, a field agent of the Commission asked Zawila how the KKFO equipment authorized by the January 22, 1997, STA was powered.
141. Zawila's response to the question of how the KKFO equipment authorized by the January 22, 1997, STA was powered was that "there was power there."
142. During the March 26, 2001, interview with a field agent of the Commission, Zawila stated that the KKFO equipment was in storage in Garden Grove, California.
143. During the March 26, 2001, interview with a field agent of the Commission, Zawila stated that the KKFO equipment had been in storage in Garden Grove, California since KKFO's eviction from the KKFO Licensed Site in 1995.
144. During the March 26, 2001, interview with a field agent of the Commission, Zawila stated that he did not have Emergency Alert System ("EAS") logs for KKFO.
145. During the March 26, 2001, interview with a field agent of the Commission, Zawila stated that he had no relationship with Fuss other than that Fuss was going to execute a local marketing agreement for KKFO and Zawila planned to sell the station to Fuss within six months.
146. During the March 26, 2001, interview with a field agent of the Commission, Zawila stated he was aware that Fuss had received a "conditional lease permit" from Coalinga to relocate KKFO to the KKFO Licensed Site.
147. During the March 26, 2001, interview with a field agent of the Commission,

- the agent asked Zawila where the KKFO main studio was located.
148. Zawila's response to the question from the field agent about the location of the KKFO main studio was that the station is not on the air.
149. On or about April 18, 2001, the Commission sent a letter of inquiry of that date ("LOI") to WPBI c/o Zawila.
150. Attached hereto as Attachment 2 is a true and accurate copy of the LOI.
151. On May 18, 2001, Zawila, on behalf of WPBI, responded to the LOI (collectively, the "May 18, 2001, Response").
152. Attached hereto as Attachments 3 and 4 are true and accurate copies of the May 18, 2001 Response.
153. In the May 18, 2001, Response, Zawila stated that WPBI had obtained permission in January of 1997 from Henry Cole, "location unknown," to use the January 22, 1997, STA site.
154. On May 18, 2001, Zawila knew that his representation in the May 18, 2001, Response that WPBI had obtained permission in January of 1997 from Henry Cole, "location unknown," to use the STA site for KKFO was misleading because: (a) WPBI had not obtained permission in January of 1997 from Henry Cole to use the January 22, 1997, STA site for KKFO; and (b) in January 1997, Henry Cole did not have authority to give WPBI permission to use the STA site for KKFO.
155. In the May 18, 2001, Response, Zawila stated that Darren Johnson ("Johnson") of 12131 Beach Blvd., Stanton, California, telephone number (714) 893-8300, was paid \$750.00 cash for construction of the KKFO

facilities authorized by the January 22, 1997, STA.

156. As of May 18, 2001, Johnson's address and telephone number were the same address and telephone number as those for Home Base, which were provided by WPBI in response to a Commission inquiry concerning KAJF(FM), Firebaugh, California.
157. On May 18, 2001, Home Base was a bankrupt chain hardware store.
158. On May 18, 2001, the telephone number (714) 893-8300 was no longer in service.
159. Contrary to his representation in the May 18, 2001, Response, Zawila knew on May 18, 2001, that Johnson had not been paid \$750.00 cash for helping with the construction of the KKFO facilities authorized by the January 22, 1997, STA.
160. In the May 18, 2001, Response, Zawila stated that information responsive to Inquiry Number 5 of the LOI would be provided under separate cover.
161. To date, Zawila has not provided the Commission the information he identified as responsive to Inquiry Number 5 of the LOI in the May 18, 2001, Response.
162. In the May 18, 2001, Response, Zawila stated that information responsive to Inquiry Number 6 of the LOI would be provided under separate cover.
163. To date, Zawila has not provided the Commission the information he identified as responsive to Inquiry Number 6 of the LOI in the May 18, 2001, Response.
164. In the May 18, 2001, Response, Zawila stated that information responsive to

- Inquiry Number 8 of the LOI would be provided under separate cover.
165. To date, Zawila has not provided the Commission the information he identified as responsive to Inquiry Number 8 of the LOI in the May 18, 2001, Response.
166. In the May 18, 2001, Response, Zawila stated that information responsive to Inquiry Number 9 of the LOI would be provided under separate cover.
167. To date, Zawila has not provided the Commission the information he identified as responsive to Inquiry Number 9 of the LOI in the May 18, 2001, Response.
168. In the May 18, 2001, Response, Zawila attached to his response an undated Designation of Chief Operator, designating Zawila as Chief Operator of KKFO and signed by Zawila as General Manager of KKFO ("Designation of Chief Operator").
169. Attached hereto within Attachment 3, at facsimile page 09, is a true and accurate copy of the Designation of Chief Operator.
170. On May 18, 2001, 12550 Brookhurst Street, Suite A, Garden Grove, California 92640 - the address on the Radio Station KKFO letterhead on the Designation of Chief Operator - was that of Zawila's law office.
171. In the May 18, 2001, Response, Zawila stated that information responsive to Inquiry Number 11 of the LOI would be provided under separate cover.
172. To date, Zawila has not provided the Commission the information he identified as responsive to Inquiry Number 11 of the LOI in the May 18, 2001, Response.

173. In the May 18, 2001, Response, Zawila stated that after KKFO was evicted from the KKFO Licensed Site in 1995, the public inspection file was maintained at the KKFO site authorized by the January 22, 1997, STA, with a duplicate copy of the KKFO public inspection file in Zawila's law office in Garden Grove, California.
174. Zawila knew on May 18, 2001 that a complete copy of KKFO's public inspection file had not been maintained at the KKFO site authorized by the January 22, 1997, STA at all times during the period between KKFO's eviction from its transmitter site in 1995 and May 18, 2001.
175. Zawila knew on May 18, 2001 that a complete copy of KKFO's public inspection file had not been maintained at Zawila's law office at all times during the period between KKFO's eviction from its transmitter site in 1995 and May 18, 2001.
176. In the May 18, 2001, Response, Zawila did not state where the KKFO public inspection file had been maintained between the time of KKFO's eviction from its transmitter site in 1995 and the time WPBI received permission to use the site authorized by the January 22, 1997, STA.
177. In the May 18, 2001, Response, Zawila did not state where KKFO's main studio had been maintained between the time of KKFO's eviction from its transmitter site in 1995 and the time WPBI received permission to use the site authorized by the January 22, 1997, STA.
178. In the May 18, 2001, Response, Zawila responded to Inquiry Number 14 of the LOI as follows:

The STA equipment used by KKFO(AM) is located at the main studio where the equipment is under constant surveillance by the operator who is the same room [sic] with the equipment. The equipment is constantly monitored on an hourly basis or more frequently regarding operating power and modulation levels to be sure that all equipment is operating properly. In the event that any variance occurs in equipment performance, the operator is immediately available to take all necessary corrective action to bring equipment back into compliance with proper operating parameters.

197. Zawila knew on May 18, 2001, that the KKFO equipment authorized by the January 22, 1997, STA was not then under constant surveillance by the operator.
198. Zawila knew on May 18, 2001, that the KKFO equipment authorized by the January 22, 1997, STA was not then constantly monitored on an hourly or more frequent basis regarding operating power and modulation levels.
199. Zawila knew on May 18, 2001, that an operator was then not immediately available to take all necessary corrective action to bring the KKFO equipment authorized by the January 22, 1997, STA back into compliance with proper operating parameters in the event that any variance occurred in equipment performance.
200. In the May 18, 2001, Response, Zawila responded to Inquiry Number 15 of the LOI as follows:

The STA equipment is inspected on a daily basis to be sure that it is operating within proper parameters. Indicating instruments are calibrated on a daily basis to be sure that they are operating properly. STA equipment is located in the same room with the operator who constantly monitors the equipment to be sure that it is operating within proper parameters.

204. Zawila knew on May 18, 2001, that the KKFO equipment authorized by the

January 22, 1997, STA was not then inspected on a daily basis to be sure that it was operating within proper parameters.

205. Zawila knew on May 18, 2001, that indicating instruments on the KKFO equipment authorized by the January 22, 1997, STA were not then calibrated on a daily basis to be sure that they were operating properly.
206. Zawila knew on May 18, 2001, that the KKFO equipment authorized by the January 22, 1997, STA was not then located in the same room with the operator who constantly monitored the equipment to be sure that it was operating within proper parameters.
207. With the May 18, 2001, Response, Zawila provided copies of documents which he described as “reflecting equipment used in the KKFO(AM) STA operation.”
208. The only documents provided by Zawila with the May 18, 2001, Response, which allegedly reflected the equipment authorized by the January 22, 1997, STA, were copies of manuals for a purported antenna, antenna tuning unit, and transmitter.
209. Neither Zawila, nor WPBI, has ever purchased the antenna, antenna tuning unit, and transmitter referenced in the documents that Zawila provided to the Commission with the May 18, 2001, Response.
210. Neither Zawila nor WPBI has ever installed the antenna, antenna tuning unit, transmitter referenced in the documents that Zawila provided to the Commission with the May 18, 2001, Response.
211. On May 18, 2001, the KKFO equipment authorized by the January 22, 1997,

- STA was not being operated.
212. On May 18, 2001, the KKFO equipment authorized by the January 22, 1997, STA had not been installed.
213. Zawila knew on May 18, 2001, that the KKFO equipment authorized by the January 22, 1997, STA was not being operated.
214. Zawila knew on May 18, 2001, that the KKFO equipment authorized by the January 22, 1997, STA had not been installed.
215. On June 7, 2001, field agents of the Commission located and inspected the purported KKFO equipment authorized by the January 22, 1997, STA at Zawila's office.
216. On June 7, 2001, the only equipment, which Zawila identified as related to the January 22, 1997, STA and showed field agents of the Commission were the following: a transmitter; an antenna tuning unit; an approximately 30-foot telescoping antenna without ground radials; and a box of cable.
217. Attached hereto as Exhibits 5, 6, 7, and 8, are true and accurate photographs of the only KKFO equipment, which on June 7, 2001, Zawila identified as related to the January 22, 1997, STA and showed field agents of the Commission.
218. On June 7, 2001, the KKFO equipment authorized by the January 22, 1997, STA was not being operated.
219. On June 7, 2001, the KKFO equipment authorized by the January 22, 1997, STA was not installed.
220. On June 7, 2001, in response to an inquiry by a field agent of the Commission,



- Zawila stated that he did not know how to reach Darren Johnson (“Johnson”).
221. On June 7, 2001, in response to an inquiry by a field agent of the Commission, Zawila stated that Johnson was a day laborer in the parking lot of Home Base.
222. On June 7, 2001, in response to an inquiry by a field agent of the Commission, Zawila stated that Johnson had helped construct the KKFO facilities authorized by the January 22, 1997, STA (as reinstated by the October 30, 2000, STA) in early November 2000.
223. Contrary to Zawila’s representation, Johnson had not helped construct KKFO STA facilities in early November of 2000.
224. On June 7, 2001, Zawila knew that Johnson had not helped construct the KKFO facilities authorized by the January 22, 1997, STA (as reinstated by the October 30, 2000, STA) in early November of 2000.
225. On June 7, 2001, in response to an inquiry by a field agent of the Commission, Zawila represented that Johnson had helped put some equipment together for the KKFO facilities authorized by the January 22, 1997, STA (as reinstated by the October 30, 2000, STA).
226. Contrary to Zawila’s representation, Johnson had not helped put equipment together for the KKFO facilities authorized by the January 22, 1997, STA (as reinstated by the October 30, 2000, STA).
227. On June 7, 2001, Zawila knew that Johnson had not helped put equipment together for the KKFO facilities authorized by the January 22, 1997, STA (as reinstated by the October 30, 2000, STA).
228. On June 7, 2001, in response to an inquiry by a field agent of the Commission,